



DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0605]

Agency Information Collection Activity under OMB Review: Application for Accreditation as a Claims Agent or Attorney, Filing of Representatives' Fee Agreements and Motions for Review of Such Fee Agreements

AGENCY: Office of General Counsel, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Office of General Counsel (OGC), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to oir_submission@omb.eop.gov. Please refer to “OMB Control No. 2900-0605” in any correspondence.

FOR FURTHER INFORMATION CONTACT: Danny S. Green, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW,

Washington, DC 20420, (202) 421-1354 or email danny.green2@va.gov. Please refer to “OMB Control No. 2900-0605” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 5901, 5904; 38 CFR 14.629, 14.636.

Title: Application for Accreditation as a Claims Agent or Attorney, Filing of Representatives' Fee Agreements and Motions for Review of Such Fee Agreements.

OMB Control Number: 2900-0605.

Type of Review: Reinstatement of a previously approved collection.

Abstract: Applicants seeking accreditation as claims agents or attorneys to represent benefits claimants before VA must complete VA Form 21a. The applicant is required to file the application with OGC to establish initial eligibility for accreditation. The information requested includes basic identifying information, as well as certain information concerning training and experience, military service, and employment. The information is used to evaluate qualifications, ensure against conflicts of interest, and to establish that statutory and regulatory eligibility requirements, e.g., good character and reputation, are met. If a potential area of concern is identified on the application, additional information may be requested. Applicants who become accredited as agents and attorneys may not lawfully represent claimants without completing and maintaining accreditation requirements. The data is used to determine the applicant's eligibility for accreditation as a claims agent or attorney. The information collected with regard to an attorney or agent's good standing with other courts, bars, and Federal and State agencies and completion of their ongoing CLE requirements is used by OGC in monitoring accredited attorneys and agents to

determine whether they continue to have the appropriate character and reputation and that they remain fit to prepare, present, and prosecute VA benefit claims.

The data collected under Filing of Representatives' Fee Agreements is used by OGC to associate the associate the fee agreement with the claimant's claims file for potential use in processing as the direct payment of a fee from the claimant's past-due benefits award.

The information provided in the fee agreements are used by both VBA and OGC to determine whether they are in compliance with the statutes and regulations governing paid representation. The data collected under Motions for Review of Such Fee Agreements is used when a motion is filed by a claimant or raised sua sponte by VA to determine the reasonableness of an agent or attorney fee from a claimant's award of VA benefits. Also, when a claimant receives an award of benefits and has retained more than one attorney or agent who has been found eligible for direct payment of fees, the data is used to determine each of the attorney's or agent's contribution to and responsibility for the ultimate outcome of the claimant's claim.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The ***Federal Register*** Notice with a 60-day comment period soliciting comments on this collection of information was published at: Vol. 84, No. 143, Thursday, July 25, 2019, pages 35931 and 35932.

Affected Public: Individuals and businesses or other for-profit organizations.

Estimated Annual Burden:

- a. Application for Accreditation as a Claims Agent, VA Form 21a: 2,137.5 hours (975 hours for initial responses by attorneys, 225 hours for initial responses by non-

attorneys, 187.5 hours for follow up responses by non-attorneys, and 750 hours for recertifications by accredited attorneys and agents)

b.Filing of Representatives' Fee Agreements: 3,125 hours (750 hours for first time filers and 2,375 hours for repeat filers).

c.Motions for Review of Such Fee Agreements: 420 hours.

Estimated Average Burden Per Respondent:

a.Application for Accreditation as a Claims Agent or Attorney, VA Form 21a: 20 minutes (45 minutes for initial responses by attorneys, 45 minutes for initial responses by non-attorneys, 45 minutes for follow up responses by non-attorneys, and 10 minutes for recertifications by accredited attorneys and agents)

b.Filing of Representatives' Fee Agreements: 13 minutes (1 hour for first time filers and 10 minutes for repeat filers).

c.Motions for Review of Such Fee Agreements: 2 hours.

Frequency of Response: One time.

Estimated Number of Respondents:

a.Application for Accreditation as a Claims Agent, VA Form 21a: 6,350 (1,300 initial responses by attorneys, 300 initial responses by non-attorneys, 250 follow up responses by non-attorneys, and 4,500 recertifications by accredited attorneys and agents).

b.Filing of Representatives' Fee Agreements: 15,000 (750 first time filers and 14,250 repeat filers).

c.Motions for Review of Such Fee Agreements: 210.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer,

Office of Quality, Performance and Risk,

Department of Veterans Affairs.

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